

MONTANA LEGISLATIVE HISTORY

Chapter 280 19 85

Bill H 580 S _____ Original bill & history ____C

H. Committee on Local Govt.

S. Committee on Taxation

Hearing Date(s) Feb 12 ☒ C

Hearing Date(s) Mar 19 ☒ C

_____ C

Mar 21 ☒ C

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Date Out _____ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HOUSE FINAL STATUS

BY REQUEST OF DEPARTMENT OF INSTITUTIONS

1/31	INTRODUCED	
1/31	REFERRED TO HUMAN SERVICES & AGING	
2/01	FISCAL NOTE REQUESTED	
2/06	HEARING	
2/06	FISCAL NOTE RECEIVED	
2/12	COMMITTEE REPORT-BILL PASS AS AMENDED	
2/12	STATEMENT OF INTENT ATTACHED	
2/14	2ND READING PASS	62 29
2/15	3RD READING PASS	83 13

	TRANSMITTED TO SENATE	
2/16	REFERRED TO JUDICIARY	
3/12	HEARING	
3/21	COMM REPORT-BILL CONCURRED AS AMENDED	
3/23	2ND READING CONCURRED	49 0
3/26	3RD READING CONCURRED	50 0

	RETURNED TO HOUSE WITH AMENDMENTS	
4/08	2ND READING AMENDMENTS CONCURRED	95 0
4/08	ON MOTION RULES SUSPENDED	
	PLACED ON 3RD READING THIS DAY	
4/08	3RD READING AMENDMENTS CONCURRED	98 0
4/16	SIGNED BY SPEAKER	
4/16	SIGNED BY PRESIDENT	

4/18	TRANSMITTED TO GOVERNOR	
4/23	SIGNED BY GOVERNOR	
	CHAPTER NUMBER 603 EFFECTIVE DATE: 10/01/85	

HB 580, INTRODUCED BY DARKO, SCHYE, ET AL.
AUTHORIZING COUNTY FUNDING OF SEARCH AND RESCUE
UNITS

1/31	INTRODUCED	
1/31	REFERRED TO LOCAL GOVERNMENT	
2/12	HEARING	
2/13	COMMITTEE REPORT-BILL DO PASS	
2/16	2ND READING PASS	69 27
2/18	3RD READING PASS	81 18

	TRANSMITTED TO SENATE	
2/19	REFERRED TO TAXATION	
3/19	HEARING	
3/21	COMMITTEE REPORT-BILL CONCURRED	
3/23	2ND READING CONCURRED	49 0
3/26	3RD READING CONCURRED	49 1

	RETURNED TO HOUSE	
3/28	SIGNED BY SPEAKER	
3/28	SIGNED BY PRESIDENT	

3/28	TRANSMITTED TO GOVERNOR	
4/01	SIGNED BY GOVERNOR	
	CHAPTER NUMBER 280 EFFECTIVE DATE: 10/01/85	

HB 581, INTRODUCED BY WALLIN, ELLISON
AVICULTURAL PERMITS FOR TAKING MIGRATORY GAME BIRDS
FOR PROPAGATION

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 12, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on February 12, 1985 at 3:20 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present; however, Rep. Wallin and Rep. Brown were late in arriving.

Chairman Darko told the committee we have nine bills so our time is short, and she would appreciate everyone's cooperation in making their testimony short. Rep. Kadas took over the chair for Chairman Darko when she presented her bill, as Vice Chairman Wallin was not present.

CONSIDERATION OF HOUSE BILL NO. 580: Rep. Paula Darko, District 2, Libby, appeared before the committee as sponsor of this bill, which authorizes a county to fund search and rescue units established or recognized by the county after approval by a vote of the people of the county. She said this bill was drafted at the request of the county search and rescue in Libby. It provides a 1 mill maximum levy that will be voted on by the people. It is for the good of all people and part of the reason for the bill. It is becoming hard for fund raising when there is not a lot of money available.

PROPOSERS: Daryl Anderson, Libby, stated that the purpose of the bill is the cost of operating their search and rescue. They ask for donations but people are tired of coming up with the money so they are asking for a mill levy to help with the financial problems. The search and rescue people are all volunteers and they are low priority in the county. However, to maintain the proper search and rescue operation, you have to have proper equipment, which we don't have, and we get very little funding from the county. Most of our equipment is from donations. In the last couple of years, they have had more and more search and rescue missions in the mountains and they do not have the proper equipment for these missions. The purpose of this bill is to help with a little more financing.

Jim Rizza, Jefferson County Search and Rescue, from Clancy, stated there are many reasons for supporting HB 580. By state law the county sheriff is responsible for search and rescues. The cost for outside assistance is outstanding. During the search for a little girl from their county, the total cost exceeded \$50,000. These figures could have been drastically reduced if they had had a search and rescue operation in their county. It costs \$2,400 for a radio, and they would need six of them to carry out their mission. That is just

one small but essential item. Their unit has had to spend a lot of time in fund raising when they should be spending it on training. He finished by saying they hope to convince the committee to support HB 580 so they could get more funding.

There were no opponents to HB 580.

In closing, Rep. Darko stated the things to consider are that these organizations cost a lot of money to operate, and it is all volunteers, so because of that we should not have to spend a lot of time. She stated she would appreciate a Do Pass from the committee.

DISCUSSION OF HOUSE BILL NO. 580: Rep. Pistoria stated that if you were going to have an election, elections sometimes cost more than the levy. Rep. Darko replied there would not be a special election for this purpose.

CONSIDERATION OF HOUSE BILL NO. 517: Rep. Stella Jean Hansen from House District 57, sponsor of this bill, appeared before the committee to present the bill. She explained this bill would permit the clerk of the district court to charge a \$5 handling fee for each child support payment processed. Page 2 asks that that payment be allowed to be added to the support payment.

PROPOSERS: Gordon Morris, Montana Association of Counties, said he is pleased to appear in favor of Rep. Hansen's bill. This is a very simple bill and it does propose revenue to the district court, which is one of the most critical places for funding. He handed out Exhibit 1 which shows child support handling fees for 15 counties. This is a bill that will add, for administrative purposes, a very nominal fee to help the court administer to the many payments made for child support in Montana. He then passed out another handout (Exhibit 2). House Bill 125 has come through third reading, and the amendment which they are proposing in Exhibit 2 coincides with HB 125. The revenue derived from child support payments would be receipted to the district court fund if such a fund exists, and to the general fund if it does not. He asked for a Do Pass.

Howard Schwartz, representing Missoula County, also appeared in support of this bill. He would like to second what Gordon Morris said. In their county they were kind of uneasy about it. He said the bill would be easy to put into the process if they had a computer. If this bill passes they would have the revenue for a computer and they would be able to modernize and put it into practice. It will be a godsend, according to Mr. Schwartz. They are also in support of Mr. Morris' amendment. This is a fair and just fee since the counties are acting as escrow agents.

Rep. Gilbert asked Mr. Gebhardt if there is a barrier, the city cannot annex, and Mr. Gebhardt replied no. Rep. Gilbert then asked if he was not concerned about the barriers, to which Mr. Gebhardt replied that he is concerned, and they are looking at the package proposal of the League of Cities and Towns.

Rep. Bergene closed her presentation of HB 385.

The committee then went into executive session for action on bills. However, due to the power being off earlier, the Chairman stated that they would only have 15 minutes of daylight in which to work so they would probably not be able to take action on all bills.

DISPOSITION OF HOUSE BILL NO. 580: Rep. Sales moved to DO PASS HB 580, seconded by Rep. Brown, who also pointed out this was up to 1 mill. Question being called, Rep. Sales' motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 519: Rep. Kadas moved that HB 519 DO PASS, seconded by Rep. Brown. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 517: Rep. Hansen moved that HB 517 DO PASS, seconded by Rep. Kadas. Rep. Sales moved to AMEND by inserting "deposit fund in the county trust fund". Rep. Sands asked what the district fund is and Lee Heiman said it is the 6 mills established. Rep. Switzer asked if there is some lack of statutes and is this just a means of raising a \$5 fee without putting a border on locating authority, or are they, for some reason, prevented from raising at this time. He was told that all court fees are set. The motion to amend PASSED UNANIMOUSLY.

Rep. Sales then moved the second amendment to change the fee from \$5 to \$2, seconded by Rep. Sands. Rep. Hansen said she wanted to address the second amendment and spoke in opposition to it. In one county they have to hire one person to handle only those payments. The question being called for, Rep. Sales' motion CARRIED UNANIMOUSLY.

Rep. Sales then moved that HB 517 DO PASS AS AMENDED, seconded by Rep. Fritz. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 673: Rep. Kadas moved that HB 673 DO PASS, seconded by Rep. Brown. Rep. Fritz moved to amend 30 days to 10 working days, seconded by Rep. Kadas. Question being called, motion PASSED UNANIMOUSLY. Rep. Brown then moved that HB 673 DO PASS AS AMENDED, seconded by Rep. Wallin. Rep. Brown's motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 414: Rep. Brown moved that HB 414 DO PASS, seconded by Rep. Kadas. Rep. Brown then moved the

STANDING COMMITTEE REPORT

February 12, 1935

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 590

FIRST reading copy (WHITE color)

AUTHORIZING COUNTY FUNDING OF SEARCH AND RESCUE UNITS.

HOUSE 590
Respectfully report as follows: That Bill No.

DO-PASS-

MINUTES OF THE MEETING
TAXATION COMMITTEE
MONTANA STATE SENATE

March 19, 1985

The fifty-third meeting of the Senate Taxation Committee was called to order at 8:05 am by Chairman Thomas E. Towe in Room 413-415 of the Capitol Building.

ROLL CALL: Senators Goodover, Hager, Hirsch, Lybeck, Mazurek, McCallum, Neuman, Severson and Towe were present. Senators Brown and Halligan joined the committee after 9 am. Senator Eck was excused.

CONSIDERATION OF HB 580: Representative Paula Darko, House District 2, was recognized as chief sponsor of the bill. She said that the bill was introduced at the request of her local search and rescue unit in Libby. She said it would allow the county to levy up to one mill for use of search and rescue groups that were approved by their county's sheriff.

PROPOSERS

No additional proposers were heard.

OPPOSERS

None were heard.

Questions from the committee were called for.

In response to questions by Senator Lybeck, Representative Darko said that the amount levied would be at county option and that these operations have been previously financed by fund raising. She said those efforts have become particularly difficult with the depressed economy.

Senator Hager asked if the volunteer effort would continue. She said that all the time spent is volunteer time and this bill would help cover other kinds of expenses.

Senator Neuman asked if the sheriff would be responsible for this if there were no volunteer search and rescue. Representative Darko said, yes, that in her county one deputy is actually in charge of search and rescue.

Representative Darko closed saying that if the committee passed the bill, Senator Mohar would carry it on the Senate floor.

CONSIDERATION OF HB 625: Representative Ben Cohen, Whitefish, was recognized as chief sponsor of the bill. He said after attending city council meetings on a regular basis, and protesting the unfairness of the frontage foot or square footage method of assessing for street maintenance districts, he decided legislative action was needed to offer other options to more fairly deal with the problem.

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Senator Hirsch said the increase from 7 cents to \$2.00 is a significant one and flagged his concern about the bill.

Question was called. Senators McCallum, Hirsch, Goodover and Mazurek voted no. Senators Towe, Neuman, Severson, Lybeck and Hager voted yes. The motion carried. Chairman Towe agreed at the request of Senator Hager and with no objection from the committee to hold HB 625 in committee for one more day so that absent members could vote.

CONSIDERATION OF HB 580:

MOTION: Senator McCallum moved that HB 580 be concurred in. Senators Lybeck, Mazurek, McCallum, Severson and Towe voted yes; Senators Goodover, Hager, Hirsch and Neuman voted no. The chairman agreed to hold the bill for the vote of the absent members, but temporarily, the motion carried.

CONSIDERATION OF HB 26: Amendments to the bill were distributed and discussed by Mr. Jim Lear, committee staff, at the request of Senator Brown. The amendments he said, give all taxing jurisdictions authority over the granting of a tax break for their own mill levies. They also assure that nothing can affect the state imposed levies. The amendments are found in Exhibit 3.

In response to a question by Senator McCallum, Mr. John Shontz said that the more people involved, the more cluttered the process gets. He said they prefer the bill in its current form.

Senator Mazurek asked if there was any comparable situation. Mr. Gregg Groepper, Department of Revenue, said that the only similar process leaves the decision to the county commission which can then bind other taxing jurisdictions with their decisions.

Senator Towe noted that the existing bill still has problems with ambiguity regarding buildings outside a city.

In response to a question Mr. Groepper said that the bill does not preclude the city or county from offering the incentive separately. He said that there would be no more administrative problem with the bill than currently exists.

(Senator Halligan joined the committee at 9 am, Senator Brown at 9:10 am.)

Senator Brown said that school boards should be in the position of control over their own mills. He said one entity should not be able to give a tax break that would affect another.

Senator Hirsch said that major expansion would result in an influx of people and that the school district would not want to give a tax break in that instance.

Senator Brown responded that state aid to schools would help, even though it is not commensurate with expenses. The local people are elected to handle that, he said.

March 21, 1985

CONSIDERATION OF HB 580:

MOTION: Senator Halligan moved that HB 580 be concurred in. Senator Lybeck felt the bill was supportable because the mill would be added only at local option.

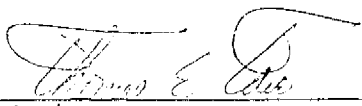
Question was called. Senators Hirsch and Goodover voted no, Senators Eck and Hager were excused, all other members voted yes. The motion carried. Senators Halligan and McCallum agreed to carry the bill.

CONSIDERATION OF HB 317: Mr. Jim Lear, committee staff, said that the intent of the bill was to change the definition of livestock to be more neatly defined in the tax code, but that the bill as written takes a wrong approach. He presented Exhibit 3 to the committee as an alternative way of doing that. Mr. Groepper, Department of Revenue, said that the bill was written to insure that livestock in its broad definition be taxed at 4 percent in class six rather than at 16 percent in class 10. After discussion on the amendments the committee agreed to changes which are indicated in the exhibit.

MOTION: Senator Severson moved that HB 317 be amended per Exhibit 3. The motion carried unanimously.

Because of more work needed from the Department of Revenue to complete work on the bill Chairman Towe agreed to hold the bill in committee.

The meeting was adjourned at 10:02 am.


Chairman

STANDING COMMITTEE REPORT

March 21, 1985

MR. PRESIDENT

We, your committee on Taxation

having had under consideration House Bill No. 530

third reading copy (blue)
color

(Senator Eck)

AUTHORIZING COUNTY FUNDING OF SEARCH AND RESCUE UNITS.

Respectfully report as follows: That House Bill No. 530

BE CONCURRED IN

~~XXXX~~
DO PASS

~~XXXXXXXXXX~~

Senator Thomas E. Towe,

Chairman.